THE DEFEND THEM ALL FOUNDATION

U.S. Fish and Wildlife Service, MS: PRB/3W
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Submitted via regulations.gov

January 16, 2024

Comments regarding Barred Owl Management Strategy; Intent to Prepare an Environmental Impact Statement; Washington, Oregon, and California.

The Defend Them All Foundation ("DTA") submits the following comments on the U.S. Fish and Wildlife Service's proposed Barred Owl Management Strategy (#FWS–R1–ES–2022–0074).

DTA is an Oregon based 501(c)(3) non-profit organization dedicated to improving the legal protection of animals and their habitats. Given this mission, DTA is concerned with the ecological impacts of the proposed plan on ecosystems throughout the Pacific Northwest and the species that call it home.

The proposed Barred Owl Management Strategy ("Strategy") aims to protect two Spotted Owl subspecies, the Northern Spotted Owl (*Strix occidentalis caurina*) and California Spotted Owl (*Strix occidentalis occidentalis*) (collectively "Spotted Owl") by allowing commercial, private property, and tribal land owners to lethally remove Barred Owls (*Strix varia*) on their properties. If approved, the Strategy could result in lethal taking of up to 470,000 Barred Owls over the next 30 years.

As an organization focused on issues at the intersection of animal and environmental law and policy, Defend Them All is part of the growing movement to reduce the harm caused to animals and their habitats as a result of environmental contaminants, including rodenticides. As such, we are extremely concerned about a plan to remove species known to consume rodents as a primary food source without a greater understanding of the impacts of such a plan.

We acknowledge that issues involving wildlife conflicts and environmental protection are extremely complex, especially where value judgments between treasured species are required. Extinction of the Spotted Owl would certainly be tragic. Nonetheless, we fear that the proposed Strategy codifies a reactionary approach that fails to consider important factors contributing to, and possibly preventing, long term recovery of these species. Without more measured and nuanced considerations of novel ecosystems, including those forever changed by human

activities, it is impossible to predict whether the stated purpose of the proposed strategy can be achieved and what unforeseen consequences may arise.

RODENT POPULATIONS ARE LIKELY TO INCREASE IF BARRED OWLS ARE NOT PERMITTED TO PERSIST.

Barred Owls are medium-sized raptors known for their vocalizations, fluffy plumage, and adaptable eating habits. In contrast to other avian predators that target distinct prey types or rely on specific habitat features, Barred Owls have a proven capacity to establish breeding territories across a variety of wooded patchworks and green spaces (Hindmarch & Elliot, 2015). Combined with their willingness to hunt an assortment of available prey, the species has become a pivotal predator in niche urban and suburban ecosystems across North America.

The adaptability and resilience to day-to-day human disturbance of Barred Owls, as compared to the Spotted Owl, make them a welcome addition to communities demanding humane, chemical-free methods of pest control. Nonetheless, this essential role Barred Owls play in managing rodent populations in urban landscapes was not considered in the proposed Strategy. A dramatic increase in commensal rodents is a completely foreseeable consequence of lethal removal that must be considered before action is permitted to take place. With that in mind, removing the species could have extreme consequences for rodent management efforts in urban and suburban areas across the Pacific Northwest.

FWS FAILED TO CONSIDER THE ROLE THAT RODENTICIDES HAVE PLAYED IN SPOTTED OWL DECLINES AND THE ONGOING THREATS POSED BY RODENTICIDES.

The spread and bioaccumulation of contaminants, including but not limited to rodenticides ("rat poisons"), in raptor species is well documented (Hindmarch & Elliot, 2015, Hindmarch & Elliot, 2018; Weins et. al, 2019; Albert et. al., 2009; and California Department of Pesticide Regulation, 2013). The highly toxic, persistent, bioaccumulative nature of rodenticides makes them particularly dangerous to secondary consumers, especially where the prey animal has ingested several doses. Owls and other birds of prey are at a disproportionately high risk of secondary poisoning because of their dependence on rodents as a food source (Hindmarch & Elliot, 2015).

In light of these findings, numerous incidents of poisoned owls and other animals have been brought to the public's attention in recent years and have inspired demand for safer, chemical-free pest management methods as well as regulatory reform in numerous locations within the U.S. and Canada (See Order of the Minister of the Environment and Climate Change Strategy, British Columbia, 2021; IPM Rodenticide Amendments, British Columbia, 2023; California Ecosystem Protection Act of 2023).

A 2019 study that examined the presence of rodenticides in Barred Owls collected during removal experiments in Oregon and Washington from 2015–2017 detected at least one rodenticide in 48% (n=19) of the collected birds (Wiens, et. al. 2019). The presence of rodenticides in Barred Owls collected from areas where Spotted Owls are known to occur indicates that these poisons are a threat to both species, as well other wildlife found in the Pacific Northwest (Id.).

An analysis of necropsies for birds of prey in British Columbia raised serious concerns regarding the application of similar criteria used to diagnose avian species. That is, even if the presence of rodenticide(s) is confirmed, trauma, hemorrhage, emaciation, or a combination thereof are often listed in the report with no mention of toxicants. Additionally, many birds that exhibit classic signs and symptoms of rodenticide poisoning with no other identifiable cause are never tested for the presence of rodenticides. Results described in Wiens et. al., 2019 suggest that similarly problematic data collection and analysis procedures may exist in the United States. If this is the case, the effects of rodenticides on Spotted Owl species, Barred Owls, and many other predators may be grossly underestimated.

Even if the owls are not killed directly from AR toxicity, numerous studies have documented sub-lethal effects of rodenticide exposure in wildlife, including lethargy, shortness of breath, anorexia, bloody diarrhea, changes in behavior, tenderness of the joints and mange. Rodenticides also interfere with reproduction, reduce hunting success, and are associated with an increased likelihood of trauma. That is, even if owls are not directly killed by internal hemorrhaging, those that have ingested rodenticides are more likely to hunt unsuccessfully, become ill, or collide with vehicles or windows.

CONCLUSION

We remain optimistic that additional information and scientific data will perpetuate a continued conversation around the protection of these species. Approval of a Strategy that authorizes actions of this scope and magnitude without a proper and complete analysis of their effects is inconsistent with the agency's regulatory obligations under the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA).

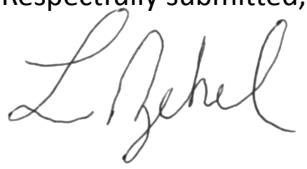
FWS suggests that Barred Owls pose "significant environmental harm" to the Spotted Owl, and are "…considered a risk to create a trophic cascade in some forest systems" (Strategy pg. 16). These assertions assume that the presence of Barred Owls is the primary causative factor in Spotted Owl declines. Without consideration of threats known to affect the species, such a conclusion seems dangerously speculative and irresponsible.

Even if Barred Owls are primarily to blame, additional factors such as habitat loss, climatic change, disease, and contaminants known to affect Spotted Owls have not been

properly considered. Furthermore, failure to properly analyze the role that rodenticides have played in negative population trends of Spotted Owls and the prey on which these species depend is essential to a reasoned choice among alternatives, and is critical for the public to understand before such drastic measures are permitted to take place.

We appreciate the opportunity to comment on these important measures and welcome future opportunities to participate.

Respectfully submitted,



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